

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

IN RE: TAASERA LICENSING LLC,  
PATENT LITIGATION

THIS DOCUMENT RELATES TO  
CASE NO. 2:21-CV-00441-JRG

Civil Action No. 2:22-MD-03042-JRG

TAASERA LICENSING LLC

*Plaintiff,*

v.

TREND MICRO INC.,

*Defendant.*

Civil Action No. 2:21-CV-0441-JRG

**JURY TRIAL DEMANDED**

**DEFENDANT TREND MICRO, INC.’S UNOPPOSED MOTION FOR  
LEAVE TO INCREASE TESTIFYING EXPERT WITNESSES**

Defendant Trend Micro, Inc. (“Trend Micro Japan”) respectfully files this Unopposed Motion for Leave to Increase Testifying Expert Witnesses and would show the Court as follows:

On February 2, 2023, the Court entered its Discovery Order in the multi-district litigation case. *See In Re: Taasera Licensing LLC*, Civil Action No. 2:22-CV-MD-03042-JRG, at Dkt. 137.<sup>1</sup> Under the Court’s Discovery Order, “each party is party is limited to 4 testifying expert witnesses.” *See* Dkt. 73, at ¶ 5(d). At this time, Trend Micro Japan requests that the Court increase the number of testifying expert witnesses that it is entitled to under the Court’s Discovery Order from four (4) to five (5). Good cause exists for the increase of testifying expert witnesses. Namely, in order to streamline the case, Trend Micro Japan intends to submit joint invalidity reports for the

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<sup>1</sup> The Court also filed the duplicate Discovery Order (Dkt. 73) in this case.

overlapping patents asserted against the other Defendants in this litigation with at least one other Defendant. For the non-overlapping patents, Trend Micro Japan has its own invalidity experts. To avoid having multiple experts cover the same subject matter (namely, the invalidity of the patents asserted against all Defendants in this litigation), Trend Micro Japan requests it be allowed to join the expert reports on the overlapping patents with the other Defendant(s). Such relief effectively confers on Trend Micro Japan one (1) additional testifying expert but will not increase the total number of expert reports in this litigation.

Counsel for Trend Micro Japan has met and conferred with counsel for Plaintiff Taasera Licensing LLC (“Plaintiff”), and counsel for Plaintiff indicated that Plaintiff is unopposed to the relief sought in this Motion.

Accordingly, Trend Micro Japan respectfully requests that the Court grant this Motion and enter and order increasing the number of testifying expert witnesses that Trend Micro Japan is entitled to from four (4) to five (5).

Dated: September 21, 2023

Respectfully submitted,

*/s/Melissa R. Smith*

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*Attorneys for Trend Micro, Inc.*

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel for Trend Micro Japan met and conferred with counsel for Plaintiff to discuss the substantive issues addressed in this Motion pursuant to Local Rule CV-7(h). Counsel for Plaintiff indicated that Plaintiff is unopposed to the relief sought in this Motion.

*/s/ Melissa R. Smith*

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Melissa R. Smith

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All counsel of record who are deemed to have consented to electronic service were served with a true and correct copy of the foregoing document *via* the Court's CM/ECF system on September 21, 2023.

*/s/ Melissa R. Smith*

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Melissa R. Smith